

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/779,086  
Applicant: Chinery *et al.*  
Filed: February 7, 2001  
TC/AU.: 1639  
Examiner: Bennett M. Celsa  
  
Docket No.: 04676.105058 (ATH 108 CON1)  
Customer No.: 20786

Confirmation No. 2259

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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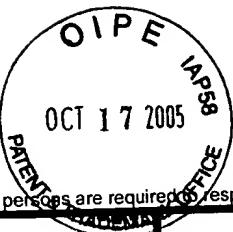
This Information Disclosure Statement is filed before receipt of a first office action on the merits of this application, thus no fee is believed to be due. Please charge any additional fees or credit any overpayment to Deposit Account No. 11-0980.

Respectfully submitted,

  
Madeline I. Johnston  
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Sheet 1 of 10

### Complete if Known

Application Number	09/779,086
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First Named Inventor	Chinery, R., et al.
Group Art Unit	1639
Examiner Name	Bennett Celsa
Attorney Docket Number	04676.105058 ATH 108 CON 1

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### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code (if known)			
	AA	3,479,407		LAUFER	11-18-1969	
	AB	3,576,883		NEUWORTH	04-27-1971	
	AC	4,029,812		WAGNER, et al.	06-14-1977	
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	AX	5,773,231		MEDFORD, et al.	06-30-1998	

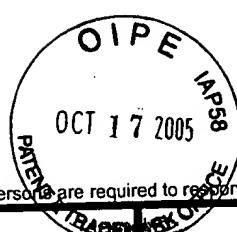
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		Number	Kind Code (if known)			
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	BB	5,792,787		MEDFORD, et al.	08-11-1998	
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		Office <sup>3</sup>	Number	Kind Code <sup>2</sup> (if known)				
	BM	DE	DT 27 16 125	A1	KOBAYAKAWA, et al.	10-27-1977		
	BN	EP	0,292,660	A2	KU, et al.	11-30-1988		
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		Office <sup>3</sup>	Number Kind Code <sup>2</sup> (if known)				
	CA	EP	0,763,527	B1	REGNIER, et al.	04-26-2000	
	CB	FR	2,130,975		ARIES	11-10-1972	
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	CD	FR	2,134,810		ARIES	12-08-1972	
	CE	FR	2,140,769		ARIES	01-19-1973	
	CF	FR	2,140,771		ARIES	01-19-1973	
	CG	FR	2,168,137		DYNACHIM	01-17-1972	✓
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	CJ	JP	7-328425			12-17-1995	
	CK	JP	8040888 Abstract	A	AJINOMOTO	02-13-1996	
	CL	WO	93/20691	A1	TYKOCINSKI, et al.	10-28-1993	
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	CP	WO	95/26719	A1	SHARPE, et al.	10-12-1995	
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	CS	WO	97/15546	A1	AOKI, et al.	05-01-1997	
	CT	WO	98/51289	A2/A3	MEDFORD, et al.	11-19-1998	
	CU	WO	98/51662	A2/A3	MEDFORD, et al.	11-19-1998	

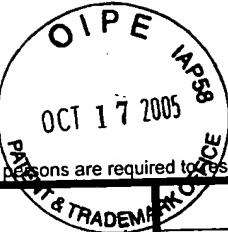
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Sheet

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### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

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	DA	Advanced Cancer Meta-Analysis Project (P. Piedbois, et al.), "Modulation of fluorouracil by leucovorin in patients with advanced colorectal cancer: evidence in terms of response rate", <i>J. Clin. Oncol.</i> , 10(6):896-903 (June, 1992).	
	DB	AKIRA, S., et al., "A nuclear factor for IL-6 expression (NF-IL6) is a member of a C/EBP family", <i>EMBO J.</i> , 9(6):1897-1906 (1990).	
	DC	AKIRA, S., et al., "IL-6 and NF-IL6 in acute phase response to viral infection", <i>Immunol. Rev.</i> , 127:25-50 (1992).	
	DD	ANDERSON, T.J., et al., "The effect of cholesterol-lowering and antioxidant therapy on endothelium-dependent coronary vasomotion", <i>N. Eng. J. Med.</i> , 332(8):488-493 (1995).	
	DE	ANONYMOUS, "AtheroGenics announces positive Phase II results from CART-1 clinical trial for restenosis: study analyses suggest AGI-1067 directly affects coronary artery disease", <i>Atherogenics, Inc., Press Release</i> , (2001).	
	DF	BARNHART, J.W., et al., "Chapter 10: The Synthesis, metabolism, and biological activity of probucol and its analogs, 277-299 XP002095165	
	DG	BARON, J.L., et al., "The pathogenesis of adoptive murine autoimmune diabetes requires an interaction between $\alpha$ -4-integrins and vascular cell adhesion molecule-1", <i>J. Clin. Invest.</i> 93:1700-1708 (April 1994).	
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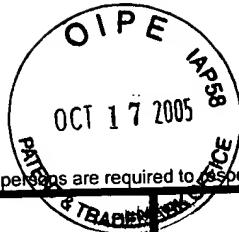
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	EA	CHANG, et al., "Molecular cloning of a transcription factor, AGP/EBP, that belongs to members of the C/EBP family", <i>Mol. Cell. Biol.</i> , 10(12):6642-6653 (December 1990).	
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	EC	CHINERY, R., et al., "Antioxidants enhance the cytotoxicity of chemotherapeutic agents in colorectal cancer: a p53-independent induction of p21 <sup>WAF1/CIP1</sup> via C/EPB $\beta$ ", <i>Nat. Med.</i> , 3(11):1233-1241 (November 1997).	
	ED	COFFEY, R.J., Jr., et al., "Transforming growth factor $\alpha$ and $\beta$ expression in human colon cancer lines: Implications for an autocrine model", <i>Cancer Res.</i> 47:4590-4594 (September 1, 1987).	
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	EG	CROOK, et al., "p53 Point mutation in HPV negative human cervical carcinoma cell lines", <i>Oncogene</i> , 6:873-875 (1991).	
	EH	DEMEGLIO, P., et al., "Nuovi derivati del clopibrato e del probucol. Studio preliminare dell'attività ipolipemizzante", <i>Farmaco, Ed. Sci.</i> , 40(11):833-844 (1985) (in Italian); "New derivatives of clofibrate and probucol. Preliminary studies on hypolipemic activity" <i>Chem. Abstracts</i> 104:28675 XP-002124424	✓
	EI	EL-DEIRY, W., et al., "WAF1, a potential mediator of p53 tumor suppression", <i>Cell</i> , 75:817-825 (November 19, 1993).	
	EJ	FARISS, M.W., et al., "The selective antiproliferative effects of $\alpha$ -tocopheryl hemisuccinate and cholestrylyl hemisuccinate on murine leukemia cells result from the action of the intact compounds", <i>Cancer Res.</i> , 54(13):3346-3351 (July 1, 1994).	
	EK	FAURE, H., et al., "5-Hydroxymethyluracil excretion, plasma TBARS and plasma antioxidant vitamins in Adriamycin-treated patients", <i>Free Radical Biol. &amp; Med.</i> , 20(7):979-983 (1996).	
	EL	FAVRE, B., et al., "The catalytic subunit of protein phosphatase 2A is carboxyl-methylated in vivo", <i>J. of Biol. Chem.</i> , 269(23):16311-16317 (1994). XP002090665	
	EM	FEARON, E.R., et al., "Progressing toward a molecular description of colorectal cancer development", <i>FASEB J.</i> , 6:2783-2790 (July 1992).	
	EN	FOLKMAN, J., et al., "Angiogenesis", <i>J. Biol. Chem.</i> , 267(16):10931-10934 (June 5, 1992).	

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	FA	TRUEBIS, J.A., et al., "A comparison of the antiatherogenic effects of probucol and of a structural analogue of probucol in low density lipoprotein receptor-deficient rabbits", <i>J. Clinical Investigation, Inc.</i> , 94:392-398 (July 1994).	
	FB	GEETHA, A., et al., "Levels of serum antioxidants in doxorubicin-treated rats - influence of vitamins E and C", <i>Curr. Sci.</i> , 58(19):1100-1102 (October 5, 1989). <i>Chem. Abstr.</i> 112:69504 (1990).	
	FC	GERSHBEIN, L.L., et al., "Action of drugs and chemical agents on rat liver regeneration", <i>Drug and Chemical Toxicology</i> , 8(3) 125-143 (1985).	
	FD	GUO, H.B., et al., "Clinical significance of serum S100 in metastatic malignant melanoma", <i>Eur. J. Cancer</i> , 31A(6):924-928 (1995).	
	FE	HAAS, A.L., et al., "Vitamin E inhibits proliferation of human Tenon's capsule fibroblasts in vitro", <i>Ophthalmic Res.</i> , 28(3):171-175 (1996). <i>Chem. Abstr.</i> 125:158572 (1996).	
	FF	HACKER, M.P., et al., "Effect of disulfiram (tetraethylthiuram disulfide) and diethyldithiocarbamate on the bladder toxicity and antitumor activity of cyclophosphamide in mice", <i>Cancer Res.</i> , 42(11):4490-4494 (November 1982).	
	FG	HEEG, et al., "Plasma levels of Probucol in man after single and repeated oral doses", <i>La Nouvelle Presse Medicale</i> , 9(40):2990-2994 (October 30, 1980). <i>Abstract in English.</i>	
	FH	HENDRICKS-TAYLOR, L.R., et al., "The CCAAT/Enhancer Binding Protein (C/EBP $\alpha$ ) gene (CEBPA) maps to human chromosome 19q13.1 and the related nuclear factor NF-IL6 (C/EBP $\beta$ ) gene (CEBPB) maps to human chromosome 20q13.1", <i>Genomics</i> , 14(1):12-17 (Jan. 1992).	
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	FJ	KAPILOFF, M.S., et al., "Variable effects of phosphorylation of Pit-1 dictated by the DNA response elements", <i>Science</i> , 253:786-789 (August 16, 1991).	
	FK	KHINE, M.B.B.S., et al., "High frequency of allelic deletion on chromosome 17p in advanced colorectal cancer", <i>Cancer (Phila.)</i> , 73(1):28-35 (January 1, 1994).	
	FL	KOCH, A.E., et al., "Immunolocalization of endothelial and leukocyte adhesion molecules in human rheumatoid and osteoarthritic synovial tissues", <i>Lab. Invest.</i> , 64(3):313-320 (1991).	
	FM	KOVACH, J.S., et al., "Mutation detection by highly sensitive methods indicates that p53 gene mutations in breast cancer can have important prognostic value", <i>Proc. Natl. Acad. Sci. U.S.A.</i> , 93:1093-1096 (February 1996).	
	FN	KOWENS-LEUTZ, B., et al., "Novel mechanism of C/EPBbeta (NF-M) transcriptional control: activation through depression", <i>Genes and Development</i> , 8:2781-2791 (1984). XP002090664	

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Sheet 7 of 10

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Application Number	09/779,086
Filing Date	February 7, 2001
First Named Inventor	Chinery, R., et al.
Group Art Unit	1639
Examiner Name	Bennett Celsa
Attorney Docket Number	04676.105058 ATH 108 CON 1

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	GA	KUNSCH, C., et al., "Oxidative stress as a regulator of gene expression in the vasculature", <i>Circ. Res.</i> 85:753-766 (1999).	
	GB	KUZUYA, M., et al., "Probucol prevents oxidative injury to endothelial cells", <i>J. Lipid Res.</i> , 32:197-204 (1991).	
	GC	LANDSCHULZ, et al., "Isolation of a recombinant copy of the gene encoding C/EBP gene", <i>Genes &amp; Dev.</i> , 2:786-800 (1988).	
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	GE	Li, L., et al., Inst. Medicinal Biological Techn. China, "New water soluble dan phenolic acid A for treating cancer", CN 1,110,139 A; 18 October 1995; Abstract, WPI Derwent Publications Ltd., 97-373441 (1995). XP002080080.	
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	GG	MAO, et al., "Antioxidant activity of Probucol and its analogues in hypercholesterolemic Watanabe rabbits", <i>J. Med. Chem.</i> , 34(18) 298-302 (1991).	
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	GI	MARTIN-JIMENEZ, M., et al., "Failure of high dose tocopherol to prevent alopecia induced by doxorubicin", <i>N. England J. Medicine (USA)</i> , 315(14):894-895 (10/02/1986). <i>Chem. Abstr.</i> 86:3386.	
	GJ	MEDVEDEV, A.I., et al., "Synthesis and properties of some new derivatives of 3,5-di-tert-butyl-4-hydroxythiophenol", <i>Chemical Abstracts</i> , 86:5066m (1977). [Original at <i>Tizisy Dokl. Nauchn. Sess. Khim. Tekhnol. Org. Soedin. Sery Semistykh Neftei</i> , 13 <sup>th</sup> , 23-4 (1974) [in Russian]].	
	GK	MENG, et al., "Novel phenolic antioxidants as multifunctional inhibitors of inducible VCAM-1 expression for use in atherosclerosis", <i>Bioorg. &amp; Med. Chem. Lett.</i> 12:2545-2548 (2002).	
	GL	MILLER, G.J., "High density lipoproteins and atherosclerosis", <i>Ann. Rev. Med.</i> , 31:97-108 (1980).	
	GM	MORALES-DUCRET, J., et al., "α4/β1 integrin (VLA-4) ligands in arthritis: vascular cell adhesion molecule-1 expression in synovium and on fibroblast-like synoviocytes", <i>J. Immunol.</i> , 149(4):1424-1431 (August 15, 1992).	
	GN	NEUWORTH, M.B., et al., "Synthesis and hypocholesterolemic activity of alkylidenedithio bisphenols", <i>J. Med. Chem.</i> , 13(4):722-725 (1970). XP-002124423	

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First Named Inventor	Chinery, R., et al.
Group Art Unit	1639
Examiner Name	Bennett Celsa
Attorney Docket Number	04676.105058 ATH 108 CON 1

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	HA	OBERLEY, L.W., et al., "Antitumor therapies based on inhibition of antioxidant enzymes", Oxy Radicals Their Scavenger Syst., Proc. Int. Conf. Superoxide Superoxide Dismutase, 3rd (1983), Meeting Date 1982, Vol. 2:242-254. Editor(s): Cohen, G., and Greenwald, R.A. Publisher: Elsevier, New York, NY. Chem. Abstr. 100:326 (1984).	
	HB	OFFERMAN, M.K., et al., "Antioxidant sensitive regulation of inflammatory response genes in Kaposi's sarcoma cells", J. of AIDS and Hum. Retro., 13(1):1-11 (1996). XP002089729	
	HC	OHKAWARA, Y., et al., "In situ expression of the cell adhesion molecules in bronchial tissues from asthmatics with air flow limitation: In vivo evidence of VCAM-1/VLA-4 interaction in selective eosinophil infiltration", Am. J. Respir. Cell. Mol. Biol., 12:4-12 (1995).	
	HD	OROSZ, C.G., et al., "Role of the endothelial adhesion molecule VCAM in murine cardiac allograft rejection", Immunol. Lett., 32:7-12 (1992).	
	HE	PARTHASARATHY, S., et al., "Probucol inhibits oxidative modification of low density lipoprotein", J. Clin. Invest., 77:641-644 (1986).	
	HF	PATTON, J.G., et al., "Monoclonal antibodies to human plasma low-density lipoproteins. II. Evaluation for use in radioimmunoassay for apolipoprotein B in patients with coronary artery disease", Clin. Chem., 29(11):1898-1903 (1983).	
	HG	PILEWSKI, J.M., et al., "Cell adhesion molecules in asthma: homing, activation, and airway remodeling", J. Respir. Cell. Mol. Biol., 12:1-3 (1995).	
	HH	POLI, V., et al., "IL-6DBP, a nuclear protein involved in interleukin-6 signal transduction, defines a new family of leucine zipper proteins related to C/EBP", Cell, 63:643-653 (November 2, 1990).	
	HI	PRASAD, K.N., et al., "Vitamin E increases the growth inhibitory and differentiating effects of tumor therapeutic agents on neuroblastoma and glioma cells in culture 40840", Proceedings of the Society for Experimental Biology and Medicine, 164(2):158-163 (1980); Biological Abstracts, 70:70052454. XP002080077.	
	HJ	PRITCHARD, D.M., et al., "Apoptosis and gastrointestinal pharmacology", Pharmacol. Ther., 72(12):149-169 (1996).	
	HK	RABB, H.A., et al., "The role of the leukocyte adhesion molecules VLA-4, LFA-1 and Mac-1 in allergic airway responses in the rat", Am. J. Respir. Crit. Care Med., 149:1186-1191 (1994).	
	HL	RAMASAMY, S., et al., "Modulation of expression of endothelial nitric oxide synthase by nordihydroguaiaretic acid, a phenolic antioxidant in cultured endothelial cells", Molecular Pharmacology, 56:116-123 (1999); available online at <a href="http://www.molpharm.org">http://www.molpharm.org</a>	

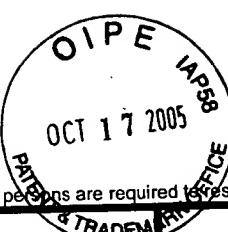
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Filing Date	February 7, 2001
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Group Art Unit	1639
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	IA	RIGHETTI, S.C., et al., "A comparative study of p53 gene mutations, protein accumulation, and response to cisplatin-based chemotherapy in advanced ovarian carcinoma", <i>Cancer Res.</i> , 56:689-693 (Feb. 15, 1996).	
	IB	RINNINGER, et al., "Probucol enhances selective uptake of HDL-associated cholestryll esters in vitro by a scavenger receptor B-I-dependent mechanism", <i>Atheroscler. Throm. Vasc. Biol.</i> , 19:1325-1332 (1999). XP-008001008.	
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	ID	RI POLL, E.A.P., et al., "Vitamin E enhances the chemotherapeutic effects of Adriamycin on human prostatic carcinoma cells in vitro", <i>J. Urol.</i> , 136(2):529-531 (1986). <i>Biological Abstracts</i> , 82:82084938. XP002080075	
	IE	ROBERTS, C.P., et al., "Regulation of monocyte to macrophage differentiation by antiglucocorticoids and antioxidants", <i>Am. J. Obstet. Gynecol.</i> , 179(2):354-362 (1998).	
	IF	RÖSL, F., et al., "Differential regulation of the JE gene encoding the monocyte chemoattractant protein (MCP-1) in cervical carcinoma cells and derived hybrids", <i>J. Virology</i> , 68(4):2142-2150 (1994) <i>Biological Abstracts</i> 94:97193049. XP002089733	
	IG	RYDEN, T.A., et al., "Avian retroviral long terminal repeats bind CCAAT/ Enhancer-Binding Protein", <i>Mol. Cell. Biol.</i> , 9(3):1155-1164 (1989).	
	IH	SAWAYAMA, Y., et al., "Effects of Probucol and Pravastatin on common carotid atherosclerosis in patients with asymptomatic hypercholesterolemia", <i>Journal of the American College of Cardiology</i> , 39(4):610-616 (2002)	
	II	SCHEFFNER, M., et al., "The state of the p53 and retinoblastoma genes in human cervical carcinoma cell lines", <i>Proc. Natl. Acad. Sci. U.S.A.</i> , 88:5523-5527 (1991).	
	IJ	SINGH, S.V., et al., "Cytochrome P450 reductase, antioxidant enzymes and cellular resistance to doxorubicin", <i>Biochem. Pharmacol.</i> , 40(2):385-387 (1990). <i>Chem. Abstr.</i> 113:108901 (1990).	
	IK	STEINBERG, D., et al., "Modifications of low-density lipoprotein that increase its atherogenicity", <i>N. Eng. J. Med.</i> , 220(14):915-924 (1989).	
	IL	SUBRAMANIAN, S., et al., "Oxidant and antioxidant levels in the erythrocytes of breast cancer patients treated with CMF", <i>Med. Sci. Res.</i> , 21(2):79-80 (1993). <i>Chem. Abstr.</i> 118:161022 (1993).	
	IM	SZCZEPANSKA, I., et al., "Inhibition of leucocyte migration by cancer chemotherapeutic agents and its preventions by free radical scavengers and thiols", <i>Eur. J. Haematology</i> , 40(1):69-74 (1988); <i>Biological Abstracts</i> 85:85106445. XP002080076	

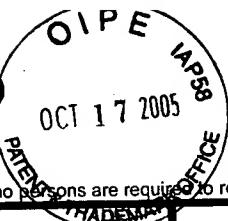
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	JA	TARDIF, J.C., et al., "Antioxidants and restenosis: human studies", in Tardif, J.C., et al., eds., Antioxidants and Cardiovascular Disease, Boston, Mass.: Kluwer Academic Publishers (2000):175-191.	
	JB	TARDIF, J.C., et al., "Effects of AGI-1067 and Probucol after percutaneous coronary interventions", <i>Circulation</i> , 107(4):552-558 (2003).	
	JC	TRAUTWEIN, C., et al., "Protein kinase A and C site-specific phosphorylations of LAP (nf-IL6) modulate its binding affinity to DNA recognition elements", <i>J. of Clin. Investig.</i> , 93(6):2554-2561 (1994). XP002090666	
	JD	TYAGI, S.C., et al., "Reduction-oxidation (redox) state regulation of extracellular matrix metalloproteinases and tissue inhibitors in cardiac normal and transformed fibroblast cells", <i>J. Cellular Biology</i> , 61(1):139-151 (1996); abstract from <i>Biological Abstracts</i> , 96:98730849. XP002089732	
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	JF	WHITTAKER, J.A., et al., "Effect of digoxin and vitamin E in preventing cardiac damage caused by doxorubicin in acute myeloid leukemia", <i>British Medical Journal</i> (England), 288:283-284 (01/28/1984). <i>Chem. Abstr.</i> 84:2926.	
	JG	WILLIAMS, et al., "A family of C/EBP-related proteins capable of forming covalently linked leucine zipper dimers in vitro", <i>Genes &amp; Development</i> , 5:1553-1567 (1991).	
	JH	YANG, X.-D., et al., "Inhibition of insulin and prevention of diabetes in nonobese diabetic mice by blocking L-selectin and very late antigen 4 adhesion receptors", <i>Proc. Natl. Acad. Sci. U.S.A.</i> , 90:10494-10498 (1993).	

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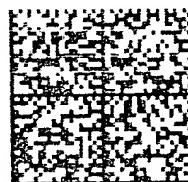
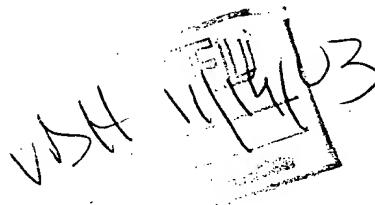
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Papers Submitted: Information Disclosure Statement (1p); Information Disclosure Statements by Applicant Form PTO/SB/08A (10 pp.); 152 references;  
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